



3. This removal is timely in that it was filed within 30 days after service of a copy of the Complaint filed in the State Court Action was effected on Defendants, on August 27, 2020, which is the initial pleading setting forth Plaintiffs' claim for relief upon which such action is based.

### **DIVERSITY JURISDICTION**

4. This action involves a controversy between a citizen of a State and citizens of a foreign state.

5. Plaintiff DDR DB Stone Oak, L.P. is a limited partnership organized and existing under the laws of Texas, with its principal place of business in Ohio.

6. Plaintiff DDR Winter Garden, LLC is a Delaware limited liability company that maintains its corporate headquarters and principal place of business in Ohio.

7. Defendant White House | Black Market, Inc. is a corporation organized and existing under the laws of Florida, with its principal place of business in Florida.

8. Defendant Chico's FAS, Inc. is a corporation organized and existing under the laws of Florida, with its principal place of business in Florida.

9. As such, there is complete diversity of citizenship between all Plaintiffs and the Defendants.

### **AMOUNT IN CONTROVERSY**

10. As to the monetary threshold in 28 U.S.C. § 1332(a), Plaintiffs pleaded in their Petition that they seek relief of over \$100,000. (Petition at ¶2.) Therefore, Plaintiffs seek damages in excess of \$75,000, exclusive of interest and costs.

**COMPLIANCE WITH PROCEDURAL PRE-REQUISITES TO REMOVAL**

11. Venue is proper for removal in the United States District Court for the Western District of Texas under 28 U.S.C. § 1446(a), which mandates removal to “the district and division within which such action is pending,” and the Bexar County is within the territory of the San Antonio Division of the Western District of Texas.

12. The following documents are attached to this notice:

- a. A completed civil cover sheet (**Exhibit A**);
- b. A supplemental civil cover sheet (**Exhibit B**);
- c. A copy of the docket sheet in the state court action (**Exhibit C**); and
- d. Index of all documents that clearly identifies each document and indicates the date the document was filed in state court, as well as a copy of each document filed in the state court action (**Exhibit D**).

13. The filing fee of \$400.00 has been paid to the Clerk along with this filing.

14. Written notice of the filing of this Notice of Removal has been given to the Plaintiffs as required by law. A copy of this Notice of Removal is also being filed contemporaneously with the 45<sup>th</sup> Judicial District Court in Bexar County, Texas.

WHEREFORE, Defendants respectfully give notice that the State Court Action is hereby removed to this Court, and requests that this action be placed on the docket of this Court for further proceedings as though this action had originally been instituted in this Court.

Dated: September 18, 2020

Respectfully Submitted,

By: /s/ Joshua D. Kipp  
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**ATTORNEYS FOR DEFENDANTS**

**CERTIFICATE OF SERVICE**

The undersigned certifies that a copy of the foregoing instrument was served upon the attorneys of record of all parties to the above cause in accordance with Rule 5, FEDERAL RULES OF CIVIL PROCEDURE, on this 18th day of September 2020. Service upon all filing users has been automatically accomplished through the Notice of Electronic Filing. Service upon any non-filing user was accomplished via U.S. mail.

/s/ Joshua D. Kipp